

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle City Light	Jim Baggs / 684-3260	Calvin Chow / 684-4652

Legislation Title:

AN ORDINANCE relating to the City Light Department; authorizing the Superintendent to execute a permit with indemnity provisions for an overhead electric line crossing of real property owned by the Burlington Northern Santa Fe Railroad Company.

Summary of the Legislation:

This legislation allows City Light to enter into a permit with indemnity provisions for an electric line crossing of the Burlington Northern Santa Fe Railroad Company (BNSF) right-of-way in the vicinity of Golden Gardens Park.

Background:

City Light must rebuild an existing overhead electric line which crosses the BNSF right-of-way in the vicinity of Golden Gardens Park. This rebuild is necessary as part of the 4 kV to 26 kV conversion of the electric distribution system within the Park.

BNSF routinely grants permits to utilities to allow electric line crossings of the railroad right-of-way. These permits contain certain indemnity provisions that obligate the utilities to release, indemnify, defend, and hold harmless BNSF, under various circumstances, for damages that may be caused by or may result from the construction and subsequent operation of the electric line crossings.

Pursuant to RCW 35.32A.070, City Council approval by ordinance is required for the acceptance of any such indemnity obligations that could result in expenditures for utility purposes not contemplated in the annual budget.

X **This legislation does not have any financial implications.**

Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
No.

b) What is the financial cost of not implementing the legislation?

City Light would not be able to replace an aging electric line crossing. The eventual failure of this line could expose City Light to substantial liabilities and damages.

c) Does this legislation affect any departments besides the originating department?

Yes. This line serves Golden Garden Parks and park facilities newly renovated through the 2008 Parks and Open Space Levy. The electric service for the Park is being upgraded from 4 kV to the more efficient 26 kV electric distribution system.

d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?

None.

e) Is a public hearing required for this legislation?

No.

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No.

g) Does this legislation affect a piece of property?

Yes.

h) Other Issues:

None.

List attachments to the fiscal note below:

Attachment 1: Vicinity Map.

Attachment 1

Vicinity Map



Attachment 1 to BNSF Permit FISC